

**Notice of Allowability****Application No.**

09/800,981

**Applicant(s)**

MCKINNON ET AL.

**Examiner**

Bharat N Barot

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 03/07/2001.
2. ☒ The allowed claim(s) is/are 1-8, 10-18, 20-34, and 36-51 re-numbered as 1-48.
3. ☒ The drawings filed on 07 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/7/01 & 7/30/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Bharat Barot*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**

(703)305-4092

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

**(A) In the Specification**

- (a) Page 1 line 8 **--co-pending--** has been inserted after "seven other".
- (b) Page 1 line 10 **--09/801,155--** has been replaced with "09/800,155".

**(B) In the Claims**

- (a) Claim 1 line 11 **--class--** has been replaced with "class".
- (b) Claim 1 line 22 **--class network--** has been replaced with "class".
- (c) Claim 27 line 1 **--claim 1--** has been replaced with "claim 19".
- (d) Claim 44 line 1 **--claim 1--** has been replaced with "claim 19".

### **REASONS FOR ALLOWANCE**

3. The following is an Examiner's Statement of Reasons for Allowance:

Claims 1-8, 10-18, 20-34, and 36-51 are allowable over the prior art of record.

The examiner has found that the prior art of record shows similar limitations but not in the same scope, arrangement, or combination of a method of providing network access across shared communications medium between competing users includes the steps of: determining class and user allowances of network access for more than one time intervals by allocating network access to each user class for a future time interval and each user within the class for the selected (first/second) time interval; providing network access to each user during the selected (first/second) time interval such that no user receives more network access than that user's allowance and no class receives more collective network access than that class network allowance; wherein the step of determining class and user allowances of network access for more than one time intervals by allocating network access includes the steps of: monitoring network access usage by each user, forecasting collective network access usage by each user class during a future time interval based on the step of monitoring network access usage by each user, and prioritizing the user classes for the allocating of the network access at set forth in the independent claim 1.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **ADDITIONAL REFERENCES**

5. The examiner as of general interest cites the following references.

- a. Gersht et al, U.S. Patent No. 6,754,177.
- b. Glade, U.S. Patent No. 6,643,290.
- c. Guheen et al, U.S. Patent No. 6,615,166.
- d. Heeke, U.S. Patent No. 6,542,463.
- e. Guheen et al, U.S. Patent No. 6,473,794.
- f. Schneider et al, U.S. Patent No. 6,408,336.
- g. Arango, U.S. Patent No. 5,732,078.
- h. Rabii, U.S. Patent No. 5,717,861.
- i. Baker et al, U.S. Patent No. 5,678,041.
- j. Schieltz, U.S. Patent No. 5,659,787.
- k. Khalil, U.S. Patent No. 5,343,465.

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**CONTACT INFORMATION**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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July 09, 2004

*Bharat Barot.*

**BHARAT BAROT  
PRIMARY EXAMINER**

**BEST AVAILABLE COPY**